

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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ORIGINAL

PETER T. DEVITTORIO, : 07 Civ. 11353 (WCC)  
ECF CASE

Plaintiff, :

- against - :

STEPHEN MALFITANO, et al., : **SUSPENSE**

**ORDER**

Defendants. :

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**CONNER, Senior D.J.:**

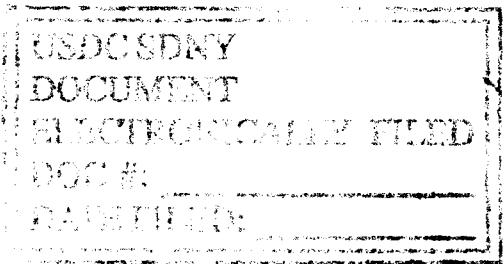
Plaintiff brought this action claiming he was not promoted to Police Lieutenant in retaliation for having filed a prior Federal action against defendants. At a conference on February 29, 2008 defendants stated that the position has been vacant for years and there is currently no attempt to fill it. It is hereby

ORDERED, that this action shall be placed on the Court's Suspense Docket for one year. If Defendant Town/Village of Harrison does not fill or attempt to fill the position of Lieutenant in the Police Department by February 29, 2009, the action will be dismissed without prejudice as moot or premature.

**SO ORDERED.**

Dated: White Plains, New York  
February 29, 2008

*William C. Conner*  
WILLIAM C. CONNER, Sr. U.S.D.J.



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